

1 406. From: Approved ylpoint@mail1.financesol.com
2 407. From: Approved ylpoint@mail1.globalpmnet.com
3 408. From: Approved ylpoint@mail2.globalpmnet.com
4 409. From: Approved ylpoint@mail2.realestatenotif.com
5 410. From: Approved ylpoint@mail3.financesol.com
6 411. From: Approved ylpoint@mail3.globalpmnet.com
7 412. From: Approved ylpoint@mail3.realestatenotif.com
8 413. From: Approved ylpoint@mail4.financesol.com
9 414. From: Approved ylpoint@mail4.realestatenotif.com
10 415. From: barbells@unsure.nj45.com
11 416. From: bounce-hyppjpkbksyvb@Bargainaday.com
12 417. From: bounce-MSG_12411180-15188899-@msg.09302tw.com
13 418. From: bounce-MSG_12411180-15188925-@msg.09302tw.com
14 419. From: bounce-xerrkcsbamzeer@Bargainaday.com
15 420. From: Buyers Advantage BuyersAdvantage@c.ss01.net
16 421. From: Buyers Advantage BuyersAdvantage@e.ew01.com
17 422. From: Buyers Advantage BuyersAdvantage@e.ss01.net
18 423. From: Buyers Advantage BuyersAdvantage@h.ew01.com
19 424. From: Buyers Advantage BuyersAdvantage@j.ew01.com
20 425. From: Buyers Advantage BuyersAdvantage@k.ew01.com
21 426. From: Buyers Advantage BuyersAdvantage@u.ew01.com
22 427. From: Buyers Advantage BuyersAdvantage@w.ew01.com

1 428. From: campaign-1550696-545771@lists.mastermailings.com

2 429. From: campaign-2265331-545771@lists.mastermailings.com

3 430. From: campaign-2265331-731214@lists.mastermailings.com

4 431. From: campaign-2265331-879362@lists.mastermailings.com

5 432. From: Card Approvals card@702pprez.com

6 433. From: Card Department bciprize@reply.mb00.net

7 434. From: Confirmation Notice confirmation@pp2092reze.com

8 435. From: Confirmation Required custoomer_service@738lme.com

9 436. From: Congratulations fsc2@r.getcoupondeals.com

10 437. From: Congratulations fsc2@r.iqwel.com

11 438. From: Congratulations fsc2@r.orangejuicemail.com

12 439. From: Congratulations fsc2@r.ovviuu.com

13 440. From: Congratulations r-14965721-173@creditgiftmail.com

14 441. From: Congratulations r-14965721-213@creditgiftmail.com

15 442. From: Congratulations r-53809865-4417@gekzqdzje.yfdjack.com

16 443. From: Congratulations stellaroffers@lists.postlite.com

17 444. From: Congratulations yymbjzbwvxpvvj@dgawcywqg.yfdvdsmail.com

18 445. From: Credit Department cedeals@ruminates.com

19 446. From: Credit non-existent? cpsav2@r.ospel.com

20 447. From: Digitaldraft Digitaldraft1772741@digitaldraft.com

21 448. From: Digitaldraft Digitaldraft1896988@digitaldraft.com

22 449. From: Establish Credit k28I6kIrFgv@rb2lex.com

23

24

25

- 1 450. From: Establish Credit k28I6kIrFgv@rb21ex.com
- 2 451. From: Establish Your Credit ccard@rb25ex.com
- 3 452. From: Establish your credit creditcard@rb25ex.com
- 4 453. From: Establish your Credit DHiKYQ5GvhF@rb23ex.com
- 5 454. From: Establish Your Credit offerbin@lists.postlite.com
- 6 455. From: Final notice r-14965721-204@yourgiftcardsmail.com
- 7 456. From: Final notice r-53809865-3865@yfdjack.com
- 8 457. From: Final notice r-53809865-4041@coghilheo.yfdjack.com
- 9 458. From: Fireball Mail [r-36873987-](mailto:r-36873987-1969@zmapwmnpw.irresistiblemail.com)
- 10 1969@zmapwmnpw.irresistiblemail.com
- 11
- 12 459. From: Get Gold gfts2@r.fmwivo.com
- 13 460. From: Get Platinum usaplatthree@getsmail.com
- 14 461. From: Go platinum reports@imol.net
- 15 462. From: Go platinum reports@myobdeals.com
- 16 463. From: Gold Member goldmember@04.postnote.com
- 17 464. From: Got gold? gfts2@r.xxxxbi.com
- 18 465. From: Got platinum? reports@imol.com
- 19 466. From: Got platinum? reports@in-f01.com
- 20 467. From: Got platinum? reports@mobd01.com
- 21 468. From: Guaranteed Approval bzxfjhsehr@greatmailrewards.com
- 22 469. From: Guaranteed Approval F5oDm6PIN2g@dailysspectacular.com
- 23 470. From: Guaranteed Approval MgIOyVia3qr@rb21ex.com
- 24
- 25

- 1 471. From: Guaranteed Platinum guaranteed@pp2092reze.com
- 2 472. From: Guareenteed Credit getfreeperfume@reply.mb00.net
- 3 473. From: Important Notice important@90210salt.com
- 4 474. From: Instant Platinum Credit
- 5 InstantPlatinumCredit70450154@simplesuggestions.com
- 6
- 7 475. From: Invitation Notice invitation@09302tw.com
- 8 476. From: lures@rod.nj45.com
- 9 477. From: Mike Hot-Dealz r-daqqlgczjvhjq@hot-dealz.com
- 10 478. From: Mike Hot-Dealz r-ifttbtgagmcgba@hot-dealz.com
- 11 479. From: MTS Credit Office MTS Credit Office r-
- 12 itttfabcdnmgffe@movieticketsource.net
- 13
- 14 480. From: MTS e-Deals MTS e-Deals r-
- 15 jijjvpkdgxcdas@movieticketsource.net
- 16 481. From: Need 1 for weekend cpsav2@r.ospel.com
- 17 482. From: Need credit? ccoffer@rb25ex.com
- 18 483. From: offerswow-return-160@lists.postlite.com
- 19 484. From: out@bfiesta01.com (Approval Department)
- 20 485. From: out@bpick02.net (Approval Dept.)
- 21 486. From: pduupdate-return-150@lists.servitall.com
- 22 487. From: Platinum Acceptance custoomer service@zel394pret.com
- 23 488. From: Platinum Acceptance platinum@702pprez.com
- 24 489. From: Platinum Approval custoomer service@738lme.com
- 25

1 490. From: Platinum Approval papproval@29ssprez.com
2 491. From: Platinum Approval platinum@702pprez.com
3 492. From: Platinum Card uroffers@your-offers.com
4 493. From: Platinum Invitation premiumspread@nr.mastermailings.com
5 494. From: Platinum Platinum@drd1mail.com
6 495. From: Platinum Platinum@OFFERAVENUE.COM
7 496. From: Platinum Platinum@ofmsvr.com
8 497. From: Platinum Platinum@svnsvr.com
9 498. From: Platinum Reward gramopc@the.inraw.com
10 499. From: Platinum_Plus 1394.6660914@I-JST5.com
11 500. From: Platinum_Plus 1394.6663468@I-JST5.com
12 501. From: Platinum_Plus emailoffer@list.world-wideent.com
13 502. From: PlatinumCreditCards office@officialadvertisements.com
14 503. From: Pre-Approved editor-ivlwdascdmvpv@caymans.responsego.com
15 504. From: Pre-Approved editor-uvqlfuyemxwvd@maui.dlbnetwork.net
16 505. From: S U P E R krisyau2@r.eqwel.com
17 506. From: SamplesPlaza samplesplaza@reply.mb00.net
18 507. From: Short on Cash? ShortonCash 928753@www-central.com
19 508. From: SmilePop updates8053@smilepop.com
20 509. From: SmilePop updates9131@smilepop.com
21 510. From: Summer Fun SummerFun@03.brightermail.com
22 511. From: Summer Fun SummerFun@09.bluerocketonline.com
23
24
25

- 1 512. From: swelldeals-return-1506@lists.postlite.com
- 2 513. From: Unsecured Credit Card 6nkyWObzNGy@samevalues.com
- 3 514. From: Unsecured Credit Offer a7RAPcWFUv@exgon.com
- 4 515. From: Unsecured Platinum 62ZzjyMvfQI@exgon.com
- 5 516. From: Unsecured Platinum ratetwo@edailymail.com
- 6 517. From: updates448@pages.wotch.com
- 7 518. From: Urgent Message urgent@90210salt.com
- 8 519. From: Urgent Message urgent@przt9230el.com
- 9 520. From: Urgent Notice urgent@pp2092reze.com
- 10 521. From: USA Platinum activaral01@the.krawa.com
- 11 522. From: USA Platinum amtrav@45569456.com
- 12 523. From: USA Platinum Card [1388-150994-](mailto:1388-150994-unsubscribe@aswediscussed.com)
13 unsubscribe@aswediscussed.com
- 14 524. From: USA Platinum Card [1388-150996-](mailto:1388-150996-unsubscribe@aswediscussed.com)
15 unsubscribe@aswediscussed.com
- 16 525. From: USA Platinum Card click4s902239@right-finds.com
- 17 526. From: USA Platinum Card ow@mx13.listbatch.com
- 18 527. From: USA Platinum Card uroffers@your-offers.com
- 19 528. From: USA Platinum Card USAPlatinumCard@leadbullet.net
- 20 529. From: USA Platinum Card USAPlatinumCard@winspire.net
- 21 530. From: USA Platinum Card USAPlatinumCard1772741@wingshot.net
- 22 531. From: USA Platinum Card USAPlatinumCard1896988@wingshot.net
- 23
- 24
- 25

1 532. From: USA Platinum click4s@clickforspecials.com
 2 533. From: USA Platinum Network Center amtrav@45569456.com
 3 534. From: USA Platinum PlatinumCard@friendlymail.net
 4 535. From: USA Platinum r-106594268-6489@uqawbgpjwf.at133.com
 5 536. From: USA Platinum r-106650935-6489@avtlluteru.at133.com
 6 537. From: USA Platinum r-106870460-6489@xbsrwksars.at133.com
 7 538. From: USA Platinum r-106870536-6489@zvbapwbsma.at133.com
 8 539. From: USA Platinum r-195296814-8310@interactivemktg-corp.com
 9 540. From: USA Platinum [r-195296814-8601@zvnsfnapvt.interactivemktg-](mailto:r-195296814-8601@zvnsfnapvt.interactivemktg-corp.com)
 10 corp.com
 11
 12 541. From: USA Platinum USAPlatinum@clomail.com
 13 542. From: USA Platinum usaplatinum@fpc-mail.com
 14 543. From: USA Platinum UsaPlatinum@majortask.net
 15 544. From: USA scaoffers@mx01.dealfinders.net
 16 545. From: Want gold? luckyprizes@reply.mb00.net
 17 546. From: You* Qualify for a Platinum Card
 18 heywhatzup2@r.ojmail01.com
 19
 20 547. From: You* Qualify for it cpsav2@r.ospel.com
 21 548. From: You* Qualify gift4credit@reply.mb00.net
 22 549. From: Your Credit offerswow@lists.postlite.com
 23 550. From: Your New Card NFDaily@reply.mb00.net
 24 551. From: You've been selected cpsav2@r.ospel.com
 25

1 Defendant has used 551 different email "From" addresses in its communications
2 with Plaintiff. Plaintiff has no clear choice of email addresses to respond to request
3 the cessation of the unsolicited commercial emails. The volume of email from
4 Defendant shifts an onerous burden on Plaintiff in terms of the time required to
5 respond to each of the 1,266 total email messages sent by Defendant to Plaintiff.
6 By responding to an email wherein the principal is not reached, Plaintiff would be
7 verifying its valid email addresses to a marketing agent who can then send
8 additional unsolicited email to Plaintiff from many other principals.
9 Plaintiff chose to go directly to the source of the emails rather than contact
10 hundreds of marketing agents. Defendant failed to acknowledge or respond to
11 Plaintiff's request to end the unsolicited email.

12
13 5.5 The use of false, misleading, or missing information in the FROM field of a
14 commercial electronic mail message violates RCW 19.190.030(1)(b). Pursuant to
15 RCW 19.190.030(2), defendant's violations of RCW 19.190.030(1)(b) constitute a per
16 se violation of the Consumer Protection Act, RCW 19.86.

17 5.6 The conduct described above constitutes unfair or deceptive acts or practices in
18 trade or commerce and unfair methods of competition in violation of RCW
19 19.86.020.

20 21 6. UNLAWFUL HARASSMENT

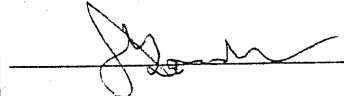
22 6.1 Defendant has knowingly and willfully engaged in a course of conduct, which
23 has annoyed and harassed Plaintiff contrary to the prohibitions contained in RCW
24 10.14.020.

1 7.8 That the Court make such orders pursuant to RCW 19.86.080 as it deems
2 appropriate to provide for restitution to Plaintiff of money or property acquired by
3 defendant as a result of the conduct complained of herein.

4 7.9 That the Court make such orders pursuant to RCW 19.86.080 to provide that
5 Plaintiff have and recover from defendant the costs of this action, including
6 reasonable attorney's fees.

7
8 7.10 That the Court order such other relief as it may deem just and proper to fully
9 and effectively dissipate the effects of the conduct complained of herein, or which
10 may otherwise seem proper to the Court.

11
12 Dated this 15 day of December, 2003.

13 

14 JAMES S. GORDON, JR.

15 Plaintiff

16 1419 Jadwin Avenue

17 Richland, WA 99352

1 6.2 Defendant received a certified return receipt letter from Plaintiff on September
2 2, 2003. Plaintiff's letter was a demand for damages wherein Defendant was
3 advised that its emails were sent in violation of RCW 19.190. Defendant was, also,
4 advised that Plaintiff's email address was registered in Washington's Association of
5 Internet Service Providers' (WAISP) database. The registry is one of several ways
6 Washington E-mail address holders can protect themselves under Washington's
7 Unsolicited Commercial E-Mail law, which prohibits sending commercial E-mail
8 with false or forged headers or misleading subject lines according WAISP.

9
10 6.3 Subsequent to the receipt of Plaintiff's letter by Defendant, Defendant has sent
11 an additional 1196 emails to Plaintiff. These 1196 emails were sent during the
12 period of September 6, 2003 through December 11, 2003 (96 days). Prior to
13 Plaintiff's letter to Defendant, Plaintiff received an average of two emails per day
14 from Defendant. After Defendant's receipt of Plaintiff's letter, Plaintiff received an
15 average of 12 emails per day from Defendant.

16
17 6.4 Defendant's emails to Plaintiff after the receipt of Plaintiff's demand for
18 damages, served no legitimate or lawful purpose other than to annoy and harass
19 Plaintiff and is in violation of RCW 10.14.030(1)(2)(3).

20
21 7. PRAYER FOR RELIEF

22 7.1 Plaintiff, James S. Gordon, Jr., prays for relief as follows:

23
24 7.2 That the Court adjudge and decree that defendant has engaged in the conduct
25 complained of herein.

1
2 7.3 That the Court adjudge and decree that the conduct complained of in
3 Paragraphs 4.4 and 5.4 constitutes violations of the Commercial Electronic Mail
4 Statute, Chapter 19.190 RCW, and pursuant to RCW 19.190.030(2) constitutes per
5 se violations of the Consumer Protection Act, Chapter 19.86 RCW.

6
7 7.4 That the Court adjudge and decree that the conduct complained of in
8 Paragraphs 3.1 through 5.6 constitutes unfair or deceptive acts or practices and
9 unfair methods of competition in violation of the Consumer Protection Act, Chapter
10 19.86 RCW.

11
12 7.5 That the Court adjudge and decree that the conduct complained of in
13 Paragraphs 6.1 through 6.4 constitutes unlawful harassment and is in violation of
14 RCW 10.14.030(1)(2)(3).

15
16 7.6 That the Court issue a permanent injunction enjoining and restraining
17 defendant and his representatives, successors, assigns, officers, agents, servants,
18 employees, and all other persons acting or claiming to act for, on behalf of, or in
19 active concert or participation with defendant from continuing or engaging in the
20 unlawful conduct complained of herein.

21
22 7.7 That the Court assess civil penalties, pursuant to 19.190.040(1) of five hundred
23 dollars (\$500) per violation against defendant for each and every one of the 1266
24 violations of RCW 19.86.020 caused by the conduct complained of herein.